

## FRANCESCO GABER

SEPTEMBER 24 (legislative day, SEPTEMBER 19), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany S. 590]

The Committee on the Judiciary, to which was referred the bill (S. 590) for the relief of Francesco Gaber having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Francesco Gaber. The bill provides for an appropriate quota deduction and for the payment of the required visa fee and head tax.

#### STATEMENT OF FACTS

The beneficiary of the bill was born in Yugoslavia in 1918 and claims to be stateless. He last entered the United States as a student on January 23, 1950, to attend St. Paul University, St. Paul, Minn. He is studying for the priesthood and it is stated that his services are much needed in the Duluth diocese and that after his ordination he will take charge of parishes having a preponderance of Slovenian parishioners.

A letter dated August 8, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

AUGUST 8, 1951.

HON. PAT McCARRAN

*Chairman, Committee on the Judiciary,  
United States Senate, Washington, D. C.*

MR. DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 590) for the relief of Francesco Gaber, an alien.

The bill would provide that Francesco Gaber shall be considered to have been lawfully admitted to the United States for permanent residence as of the date of its

enactment, upon the payment of the required visa fee and head tax. It would further direct the Secretary of State to instruct the quota-control officer to deduct one number from the appropriate immigration quota.

The files of the Immigration and Naturalization Service of this Department disclose that Francesco Gaber was born in Papernica, Yugoslavia, on March 2, 1918. Mr. Gaber, who was last a citizen of Yugoslavia, claims to be stateless. He entered the United States at the port of New York, on January 23, 1950, when he was admitted as a student for 1 year under section 4 (e) of the Immigration Act of 1924 for the purpose of attending St. Paul University, St. Paul, Minn. It appears that he has been unable to obtain an extension of his temporary stay in the United States because of his inability to secure further revalidation of his passport.

The alien stated that his parents and his brother reside in his native city and that he fled to Italy and entered the Lubljana Seminary near Padua, Italy, when the Communists gained control of Yugoslavia in 1945. The records reflect that on March 19, 1948, the International Relief Organization paid his passage to Argentina where he entered San Luis Seminary, a Catholic institution, and where he remained until he departed for the United States in January 1950. Mr. Gaber stated that he came to this country for the purpose of studying for the Catholic priesthood, that all of his expenses are taken care of by the Duluth Catholic diocese and that he intends to remain permanently in this country.

Rev. Rudolph Bandas, director of St. Paul's Seminary, stated that Mr. Gaber is an ordained deacon and expects to become an ordained priest. He further stated that Mr. Gaber's permanent residence in the United States is desired since his services as a priest are much needed in the diocese and that after his ordination Mr. Gaber will take charge of parishes having a preponderance of Slovenian parishioners.

The quota of Yugoslavia, to which Mr. Gaber is chargeable, is oversubscribed and a quota immigration visa is not readily obtainable. The record, however, presents no facts which would justify granting him preference over other aliens who desire to enter the United States for permanent residence. While he doubtless could not return to his native country at this time, he apparently could return to Argentina, the country in which he resided before he entered the United States.

Accordingly, the Department of Justice is unable to recommend enactment of the bill.

Yours sincerely,

PEYTON FORD,  
*Deputy Attorney General.*

Senator Edward J. Thye, the author of the bill, has submitted the following letters from Bishop Thomas A. Welch, of Duluth, Minn., and from Mr. Bruce Mohler, director of the National Catholic Welfare Conference:

BISHOP'S HOUSE,  
*Duluth, Minn., January 31, 1951.*

Hon. EDWARD J. THYE,  
*United States Senate, Washington, D. C.*

DEAR SENATOR THYE: I am addressing these lines to you in the interest of Francesco Gaber, a theological student for this diocese in attendance at St. Paul Seminary, St. Paul, Minn.

I trust that the committee and Senate may see fit to pass favorably on bill S. 590 for the relief Mr. Gaber asks, that is, to be admitted to this country for permanent residence.

He is an excellent young man and is very highly thought of by the faculty and students of that institution.

The many Slovenian people and clergy of this diocese are very hopeful that he may be permitted permanent residence here in order to give his services to their spiritual welfare. Of course I personally hope that this will come about, and I trust that the Senate will see fit to legalize his entry into the United States for permanent residence.

Thank you very much, Senator, for your kind offices in this matter.

I shall be pleased if you will present the contents of this letter of recommendation and petition to the Committee on the Judiciary.

With kindest regards,  
Sincerely yours,

THOMAS A. WELCH,  
*Bishop of Duluth.*

NATIONAL CATHOLIC WELFARE CONFERENCE,  
Washington, D. C., January 17, 1951.

Senator EDWARD J. THYE,  
Senate Office Building,  
Washington, D. C.

DEAR SENATOR THYE: Apropos of my recent telephone conversation with Mr. McCarthy we are presenting herewith a matter that is of extreme importance to the Most Reverend Thomas A. Welch as bishop of Duluth. It relates to the threatened forced departure from the United States of an expellee from Europe, who for the past year has been enrolled as a theological student in the St. Paul Seminary in St. Paul, Minn., having come here from the Argentine Republic.

The student in question is Francesco (Frank) Gaber, a refugee from Yugoslavia, who was admitted with section 4 (e) nonquota immigrant student visa at New York on January 23, 1950, with stay here to expire on January 22, 1951. Ordinarily the extension of stay could be granted to cover the period of studies, but, unfortunately, a very unexpected complication has arisen by virtue of the fact that the special Argentine passport given to him as a foreigner and on which he traveled to the United States could only be extended for 6 months and the young student now finds himself in the position of having no valid travel document.

At the same time the Most Reverend Bishop has expended a great deal of effort and money in bringing him here with the express hope that during his studies at St. Paul Seminary he would become accustomed to American life and thus be better fitted for parish work in the Diocese of Duluth and particularly among the many parishioners of Yugoslav ancestry and background residing in the Iron Range area. Being quite familiar with that district myself I can well understand His Excellency's anxiety to retain this young man after ordination to the priesthood, for work where the need is very great.

Francesco Gaber was a theological student at the Catholic Seminary in Ljubljana. He escaped the religious persecution in Yugoslavia and finally reached Argentina where he continued his studies at the San Luis Seminary, this incidentally having been staffed by the former faculty escaped also from Ljubljana.

After much effort and careful checking by the American Consulate General in Buenos Aires with the American consulates in Milan, Italy, and Belgrade, Yugoslavia, the young man was finally cleared for United States section 4 (e) visa and he was fortunate in securing the special Argentine Republic passport, except for the fact that the validity thereof was so limited, a fact that was not previously understood.

We have endeavored to have the Argentine passport extended, but despite the sympathetic attitude of the Embassy here they assure us that such is not possible except through authorization from the Subsecretario de Culto in Buenos Aires; and in this respect we have not been successful. In fact, we are assured that an extension will not be given.

In view of the great need that Bishop Welch has for the services of Yugoslav priests in the Diocese of Duluth and the amount of effort and financial outlay he has been subjected to in bringing the young man to this country, it would be unfortunate to have the disappointing results of his forced departure to the Argentine Republic at this time. It is thus our great hope, concurred in by His Excellency, that some way can be found to keep this seminarian in the United States so that he can complete his theological studies and then bring to fruition the plans of Bishop Welch when bringing him here, to practice his priestly vocation in the Diocese of Duluth.

Incidentally, the immigration identification is as follows: Gaber, alien registration No. A-7396010.

Gratefully, we remain,

Very respectfully yours,

BRUCE M. MOHLER,

Director, National Catholic Welfare Conference, Bureau of Immigration.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 590) should be enacted.

